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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**DEFENDANTS' ADMINISTRATIVE
MOTION TO CHANGE TIME FOR
DEFENDANTS' REPLY**

The Hon. William H. Alsup

Pursuant to Local Civil Rules 6-3 and 7-11 and good cause shown herein, Defendants move to change the time for Defendants to file their reply in support of their motion for summary judgment. In support of this motion, Defendants state as follows:

1. On May 2, 2025, this Court entered an amended scheduling order. *See* Stip. & Order to Amend Scheduling Order, ECF No. 209. Among other things, that order set a schedule for the parties to file their respective briefs on their cross motions for summary judgment as follows:

- a. Plaintiffs file their summary judgment motion no later than June 5, 2025;
- b. Defendants file a combined opposition and cross-motion for summary judgment and opposition no later than July 3, 2025;
- c. Plaintiffs file a combined opposition and reply no later than July 24, 2025; and
- d. Defendants file a reply no later than August 12, 2025.

See id. ¶ 5, at 3.

2. In accord with that order, Plaintiffs filed their summary judgment motion on June 5, *see* Pls' Not. of Mot. & Mot. for Summ. Adj. of Claims I–IV, ECF No. 222, Defendants filed a combined opposition and cross-motion for summary judgment and opposition on July 3, *see* Defs.' Not. of Mot. & Cross Mot. for Summ. J.; Opp'n to Pls.' Mot. for Summ. Adjudication of Claims I–IV, at 8–10, ECF No. 228, and Plaintiffs filed their reply on July 24, *see* Pls.' Reply Mem. in Supp. of Mot. for Summ. Adjudication of Claims I–IV; Opp'n to Defs.' Mot. for Summ. J. at 7, ECF No. 238. This Court set a hearing on the parties' cross motions for summary judgment for August 28, 2025. *See* Clerk's Notice, ECF No. 223.

3. Pursuant to Local Civil Rule 6-3(1) and (3), Defendants have been diligently preparing their reply in support of their motion for summary judgment. However, due to the confluence of scheduled annual leave and unscheduled sick leave of Defendants' undersigned counsel, the departure of one of Defendants' litigation team members, *see* Notice of Withdrawal, ECF No. 229, and the press of business in other matters, Defendants will need an additional seven days to adequately prepare their reply. *See* Decl. of James D. Todd, Jr. ¶ 2. In light of the importance of the claims at issue in this litigation, denying Defendants adequate time to prepare

1 their reply would substantially prejudice their ability to adequately address these issues. *See id.*
2 However, Defendants do not believe that allowing Defendants additional time would prejudice
3 Plaintiffs.

4 4. Pursuant to Local Civil Rule 6-3(2), Defendants contacted counsel for Plaintiffs
5 on July 29, 2025 about their request to change the time for Defendants' reply. *See* Todd Decl.
6 ¶ 3. Plaintiffs indicated that they do not oppose a two-day extension of time but object to any
7 longer request. *See id.* They did not contend that additional time for Defendants' reply would
8 prejudice Plaintiffs. *See id.*

9 5. Pursuant to Local Civil Rule 6-5, this is the first motion to change time for this
10 filing, *see* Todd Decl. ¶ 4, and the second change of time in this case, *see* Order Granting Admin
11 Motion for 3-Hour Extension & Increased Pages, ECF No. 166.

12 6. Pursuant to Local Civil Rule 6-3(6), this Court has set a hearing for August 28 on
13 the parties' cross motions for summary judgment, *see* Clerk's Notice, *supra*, and Defendants
14 believe that the hearing can proceed as scheduled and the extension should not require resetting
15 that hearing date or that it would have any other effect on the schedule for this case.¹

16 CONCLUSION

17 For good cause shown above, this Court should grant Defendants' motion to change the
18 time for Defendants' reply.

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¹ If the Court were to reset the hearing on the parties' cross motions for summary
judgment to a later date, undersigned counsel for Defendants are unavailable the week of
September 1, 2025. *See* Todd Decl. ¶ 5.

1 Dated: August 3, 2025

Respectfully submitted,

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